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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,876	09/13/2000	Michael S. Tignor	GEN-0213	7521

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EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,876

Applicant(s)

TIGNOR ET AL.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 6-15, 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 16-21, 23-26 and 37-39 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species election group 1, claims 1-5, 16-26, and 37-39 in Paper No. 6 is acknowledged. The applicant's arguments on the grounds 1 and 3 are persuasive, therefore they should be combined to be examined. Grounds 2 and 4 are non-election and will not be treated any further.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,5, 16-21, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (USPN 4,958,252).

Regarding to claim 1, Murphy discloses that a circuit breaker (fig. 2) for an electrical circuit comprises an operating mechanism (25) for interrupting current in the electrical circuit when operated (see col. 7, lines 9-10); an electronic trip unit (27) including a microcomputer which monitors the current in the electrical circuit and generates a trip by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 6, lines 45-50); and a rating plug (7) having means establishing the selectable value of the current at which the electronic trip unit trips the operating mechanism (see col. 6, lines 51-53), and a non-

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volatile memory (55), the rating plug further having means for storing frame rating (a certain level of current) and current rating (the maximum continuous current) of the circuit breaker in the non-volatile memory.

Regarding to claim 2, Murphy discloses that the circuit breaker (fig. 2) includes a first resistor (43) for providing the microcomputer with the frame current and second resistor (45) for providing the microcomputer with the current rating, (see col. 4, lines 7-15) wherein the means for storing the frame current and the rating current of the circuit breaker includes leads (4,5) connecting the first and second resistor to the non-volatile memory.

Regarding to claim 4, Murphy discloses that the circuit breaker (fig. 2) comprises an error detection program within the microcomputer, wherein the error detection program rejects current ratings greater than the frame current (see col. 5, lines 43-50).

Regarding to claim 5, Murphy discloses that the circuit breaker further comprises a display (89) for displaying the current rating.

Regarding to claims 16, 19-21, Murphy discloses that the rating plug comprises a insulating housing (3); a connector (fig. 2) for connecting the rating current to the electronic trip unit (27) wherein the connector including a plurality of connection pins (7,8,9 and 10); and a non-volatile memory (55) storing current rating of the circuit breaker, wherein information regarding current is sent by the rating plug to the electronic trip unit in digital form only.

Regarding to claims 17 and 18, Murphy discloses that the rating plug comprises a label (89) for indicating the current rating, wherein the label including a bar code (23).

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Regarding to claim 23, Murphy discloses that the circuit breaker (fig. 2) comprises an electronic trip unit (27) including a microcomputer; a removable digital rating plug (7) having a non-volatile memory (55) storing the current rating of the circuit breaker; a connector for connecting the rating plug to the electronic trip unit; a connection lead (7) extending within the connector directly connecting the electronic trip unit with the non-volatile memory.

Regarding to claims 24-26, repeat the limitations of claims 17, 18 and 21, therefore, rejected accordingly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Santos et. al (USPN 2001/0000355).

Regarding to claims 3 and 37, Murphy discloses a circuit breaker (fig. 2) for an electrical circuit comprises an operating mechanism (25) for interrupting current in the electrical circuit when operated (see col. 7, lines 9-10); an electronic strip unit (27) including a microcomputer which monitors the current in the electrical circuit and generates a trip by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 6, lines 45-50); a non-

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volatile memory (55) for storing frame current and current rating (the maximum continuous current) of the circuit breaker. Murphy does not disclose an Internet connection. Santos et al. disclose an Internet connection (72) (see fig. 2). It would have been obvious to one having skill in the art at the time the invention was made to modify the circuit breaker of Murphy with an internet connection as taught by Santos et al. in order to provide increased functionality to the trips unit by enabling upgrades and servicing of the strip unit by downloading firmware to it (Santos et al., paragraph 4, p. 1).

Regarding to claims 38-39, repeat the limitations of claims 4 and 5, therefore, rejected accordingly.

Allowable Subject Matter

4. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Claim 22 recites, inter alia; a circuit breaker comprises the rating plug with containing no resistors relating to current rating or frame current of the circuit breaker.

The references of record do not teach or suggest the aforementioned limitations, nor would it be obvious to modify those references to include such limitations.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN
December 30, 2002



BRIAN SIRCUS
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